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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,980	12/27/2000	Elaine Lee	8600-0010	6822
7590 08/19/2009 ROBINS AND PASTERNAK LLP 1731 EMBARCADERO ROAD, SUITE 230 PALO ALTO, CA 94303				
EXAMINER ARAJ, MICHAEL J				
ART UNIT 3775		PAPER NUMBER		
MAIL DATE 08/19/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/749,980

Applicant(s)

LEE, ELAINE

Examiner

MICHAEL J. ARAJ

Art Unit

3775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-11, 14-16, 19, 22-24, 31, 32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 22, 31, 32 and 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-11, 14-16, 19, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the material" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-11, 19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976).

Mariant discloses the use of a vaso-occlusive coil (112) for aneurysms (Col. 2, Paragraph 4). Mariant discloses the claimed invention except the for using thrombus-stabilizing molecule that is a plasminogen activator inhibitor or plasmin inhibitor.

Schwarz teaches that tissue adhesive for use in vascular surgery may be made with Factor XIII, plasminogen activator inhibitor or plasmin inhibitor in order to stimulate wound healing (Column 1 lines 37-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Mariant with the thrombus-stabilizing molecule being plasminogen activator inhibitor or plasmin inhibitor, in view of Schwarz, in order to promote healing.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976) further in view of Eder et al. (U.S. Patent No. 5,980,550).

The combination of Mariant and Schwarz et al. disclose the claimed invention except for the coil being plasma treated and subjected to ion implantation. Eder et al. disclose the coil being plasma treated (Col. 3, Paragraph 2), subjected to ion implantation (Col. 6, Paragraph 6). It would have been obvious to one skilled in the art at the time the invention was made to the device of Mariant and Schwarz et al. subjected to being plasma treatment and ion implantation in view of Eder et al., in order to promote healing.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mariant (U.S. Patent No. 5,624,461) in view of Schwarz et al. (U.S. Patent No. 4,414,976) further in view of Nikolchev et al. (U.S. Patent No. 6,526,979).

The combination of Mariant and Schwarz et al. disclose the claimed invention except for the vaso-occlusive coil being microtextured. Nikolchev discloses that an occlusive coil is microtextured in order to promote tissue ingrowth and enhance the

occlusion of the vessel (Column 14 lines 9-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Mariant and Schwarz with the microtexturing in view of Nikolchev, in order to enhance tissue ingrowth and occlude the vessel.

Response to Arguments

Applicant's arguments with respect to claims 1, 7-11, 14-16, 19, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. Eder et al has been overcome as a 102 reference because Eder et al. was using fibrinogen which is different than fibrin. Fibrin is yielded from fibrinogen in the presence of thrombin. Eder et al. is not excluded from being used as a teaching reference for a 103(a) rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ARAJ whose telephone number is (571)272-5963. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3775

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Araj/
Examiner, Art Unit 3775

/Thomas C. Barrett/
Supervisory Patent Examiner, Art
Unit 3775